GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Agricultural Marketing Department – Departmental proceedings initiated against Sri S. Mahamuni, Senior Marketing Assistant(Now Retired), O/o DAT&MO, Visakhapatnam on the allegation of irregularities for negligence in implementation of orders of Hon'ble High Court of A.P. in time and causing loss of Rs.8,90,123/- in view of reduction of penal interest from 18% to 12% in payment of capital investment subsidy to AMC, Visakhapatnam by M/s.Sun Re-rolling Mills and Cold Storage Private Limited, Visakhapatnam – Inquiry conducted – Charge held proved – Imposing of penalty – Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.RT.No. 550 Dated: 29-08-2024

Read the following:-

1. Charge Memo No.DS(2)15360/2016, dated:18.04.2017 of the C&DoAM, A.P., Guntur.
2. Written statement of defence dated:07.06.2017 of Sri S. Mahamuni, S.M.A., O/o ADM, Visakhapatnam.
3. Procgs.No.DS(2)15360/2016, dated:16.06.2017 of the C&DoAM, A.P., Guntur.
4. Inquiry report dated:05.12.2017 of the RDDM, Visakhapatnam & Inquiring Authority.
5. Representation dated:11.04.2023 of the Charged Officer Sri S. Mahamuni, S.M.A.(Retired), O/o DAT&MO, Visakhapatnam.
6. E-file No.DS(2)/15360/2016(Computer No.415339) received from the C&DoAM, AP on 08.08.2023.
7. Govt.Memo No.AGC01-MKTG/384/Vig.II/2023, dated:08.10.2023.
8. Representation dated:02.11.2023 of the Charged Officer Sri S.Mahamuni, Senior Marketing Assistant(Now Retired), O/o DAT&MO, Visakhapatnam.
9. Letter No.DS(2)15360/2016, dated:06.05.2024 of the DoAM, A.P., Guntur.
10. Letter No.GAD03-APPS0DCC/21/2024-DC.SEC-APPSC (Computer No. 2445615), dated:26.06.2024 of the Secretary, A.P.P.S.C., Vijayawada.

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O R D E R:

In a disciplinary case on the allegation of irregularities for negligence in implementation of orders of Hon'ble High Court of A.P. in time and causing loss of Rs.8,90,123/- in view of reduction of penal interest from 18% to 12% in payment of capital investment subsidy to Agricultural Market Committee, Visakhapatnam by M/s. Sun Re-rolling Mills and Cold Storage Private Limited, Visakhapatnam, in the reference 1st cited, the Commissioner & Director of Agricultural Marketing, A.P., Guntur had initiated departmental proceedings by framing the Article of Charge against Sri S. Mahamuni, Senior Marketing Assistant(Now Retired), O/o DAT&MO, Visakhapatnam.

2. The Charged Officer Sri S. Mahamuni, Senior Marketing Assistant(Now Retired), O/o DAT&MO, Visakhapatnam has submitted his written statement of defence dated:07.06.2017 denying the charge framed against him.

(P.T.O.)

3. Since the Charged Officer has denied the charge framed against him, in the reference 3rd cited, the Commissioner & Director of Agricultural Marketing, A.P., Guntur issued orders appointing the Regional Deputy Director of Marketing, Visakhapatnam as Inquiring Authority and the Assistant Director of Marketing, Srikakulam as Presenting Officer for conducting regular inquiry into the charge framed against Sri S.Mahamuni, Senior Marketing Assistant(Now Retired), O/o DAT&MO, Visakhapatnam.

4. After conducting regular inquiry, the Regional Deputy Director of Marketing, Visakhapatnam & Inquiring Authority has furnished the inquiry report dated:05.12.2017 concluding that, the Assistant Director of Marketing, Visakhapatnam and Senior Marketing Assistant, O/o ADM, Visakhapatnam have not acted promptly for taking necessary action in pursuance to the orders of Hon'ble High Court dated:20.11.2015. Due to which, the Petitioner in the W.P. has filed contempt case for non-implementation of Hon'ble High Court order and which lead to embarrassing situation to the District administration as well as to the Higher administration of the Department and finally Government have reduced the interest rate from 18% to 12% vide G.O.Rt.No.107, Agriculture & Cooperation(AM.II) Department, dated:01.03.2017 causing loss of Rs.8,90,123/- and the Petitioner got benefited in view of not taking prompt action on the orders of Hon'ble High Court. Hence, the Charge is held proved against the Charged Officer, in the instant disciplinary case.

5. The Commissioner & Director of Agricultural Marketing, A.P., Guntur has communicated the inquiry report dated:05.12.2017 to the Charged Officer. In turn, the Charged Officer has submitted the representation dated:11.04.2023 requesting to drop further action against him.

6. After thorough examination of the entire matter with reference to the record of inquiry, Government have provisionally decided to impose a "penalty of 2% (two percent) cut in pension for a period of three years" against the Charged Officer viz. Sri S.Mahamuni, Senior Marketing Assistant (Retired), O/o DAT&MO, Visakhapatnam under Rule 9 of A.P.Revised Pension Rules, 1980, as the Charge is held proved against him in the regular inquiry, in the instant disciplinary case.

7. In the reference 7th cited, Show Cause Notice was served on the Charged Officer Sri S. Mahamuni, Senior Marketing Assistant(Retired), O/o DAT&MO, Visakhapatnam with a direction to show cause as to why a "penalty of 2% cut in pension for a period of three years" should not be imposed against him under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case.

8. In turn, the Charged Officer Sri S. Mahamuni, Senior Marketing Assistant(Retired), O/o DAT&MO, Visakhapatnam has submitted his representation dated:02.11.2023 to the Show Cause Notice dated:08.10.2023 requesting to consider his service without any remarks and withdraw the Charge Memo and charges framed against him with sympathetic consideration.

9. After thorough examination of the matter with reference to the record of inquiry, Government have observed that, the Charged Officer Sri S.Mahamuni, Senior Marketing Assistant(Retired), O/o DAT&MO, Visakhapatnam has not put-forth any new grounds for consideration in the

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representation dated:02.11.2023. Therefore, Government have confirmed the provisional decision and decided to impose a "penalty of 2% (two percent) cut in eligible pension for a period of 3 (three) years" against Sri S. Mahamuni, Senior Marketing Assistant(Retired), O/o DAT&MO, Visakhapatnam under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case.

10. Keeping the position in view and in consultation of the A.P. Public Service Commission, Government thereby order to impose a "penalty of 2% (two percent) cut in eligible pension for a period of 3 (three) years" against Sri S. Mahamuni, Senior Marketing Assistant(Retired), O/o DAT&MO, Visakhapatnam in the instant disciplinary case.

11. The Director of Agricultural Marketing, A.P., Guntur shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B RAJSEKHAR, IAS,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri S. Mahamuni,
Senior Marketing Assistant(Retired), O/o DAT&MO, Visakhapatnam
(Through:- The Director of Agricultural Marketing, A.P., Guntur)

Copy to:-
The Director of Agricultural Marketing, A.P., Guntur.
The Secretary, A.P.P.S.C., Vijayawada.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER